

Remarks/Arguments:

This is a reply to the office action of December 9, 2004.

Claims 6, 11, 13 and 17 have been amended to correct formal deficiencies noted by the examiner. Claim 13 has been amended to include the subject matter of claim 14, and a minor change has been made to claim 15.

Turning first to the method claims, we appreciate that the examiner is willing to allow claims 3 and 7. However, we believe we are entitled to broader protection, and ask the examiner to consider the following remarks.

The examiner has stated that a combination of JP 07109360 with US 6653252 would render obvious the subject matter of claim 1. We do not agree with that assessment, for the following reasons:

The Japanese reference is related to the manufacture of a resin emulsion. This reference does not appear to deal with porosity, or the use of a porogene. One component which is used in the reference is a terpene resin. But of course a terpene resin is a different chemical substance than a monoterpene. We cannot see how the presence of a terpene resin could render obvious any characteristics of a monoterpene.

U.S. Patent 6653252 describes generally the use of camphor as a porogene. However, in the reference, camphor is added in as a porogene to a mixture comprising carbon powder. Subsequently, a porous electrode is formed from the mixture. In other words, in the reference, camphor is used as a porogene for a carbon matrix. The reference does not disclose or suggest that camphor may also be used as a porogene in the case of a polymer based on acrylate or methacrylate.

In our opinion, a person of ordinary skill in the field of this invention would not have combined the teachings of the Japanese and U.S. references. The two references are not related to the same compounds. In the Japanese reference, a terpene resin (i.e., a polymer) is mentioned, whereas in the U.S. reference, camphor is mentioned, which is a monoterpene. Those compounds are clearly distinct from each other, and we question whether anyone interested in monoterpene would have consulted the Japanese reference, which does not deal with monoterpenes at all. And even if the references were combined, the combination would not disclose or render obvious that monoterpenes are suitable porogenes for polymers based in acrylate or methacrylate.

The introductory portion of the present application describes in detail how the formation of porous polymers based in acrylate and methacrylate is difficult and has not yet been solved. It is respectfully submitted that, although certain monoterpene may have been known as porogenes, it was not obvious that those porogenes would be suitable for forming porous polymers based on acrylate or methacrylate. This has never been described in the art before. In U.S. Patent 6653252, a completely different porous product is obtained, one made from different starting compounds under different process conditions. It was not at all obvious from the references that monoterpenes would also be suitable porogenes for forming polymers based on acrylate or methacrylate.

In summary, in our opinion, the objection raised under section 103 of the statute against the method claims ought to be withdrawn.

With respect to the product-by-process claims, we understand that the examiner is entitled to request convincing evidence that the product in U.S. Patent 4093570 is different from the product claimed in the present invention. With respect to original claim 13, we are not in the position to provide comparative data. However, we note Patent 4093570 does not disclose the formation of porous methacrylate copolymers.

Consequently, amended claim 13, which is limited to porous polymers based methacrylate copolymers, is novel over the reference. It is moreover respectfully submitted that the reference does not render obvious that a porous polymer based on a methacrylate copolymer may be obtained using monoterpenes as a porogene. We therefore submit that amended claims 13, 14 and 15 are patentable over the art of record.

We believe that the invention described in claims 1 - 16 is novel and non-obvious over the prior art of record, and that this application is now in condition for allowance.

Respectfully submitted,

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I certify that this correspondence is being transmitted on June 3, 2005 by facsimile to the Patent and Trademark Office at 703.872.9306.

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